

APPLICANT(S): ELATA, David et al.
SERIAL NO.: 10/562,463
FILED: February 19, 2008
Page 5

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1, 5-12 and 16-20 are pending in the application. Claims 1, 5-12 and 16-20 have been rejected.

Claims 1 and 11 have been amended herein. Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 1 and 11 under 35 U.S.C. § 112, [second paragraph], as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 have been amended to state clearly the axis referred to is an "axis of circular symmetry" of the sheet. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel. Applicants respectfully assert that these amendments render claims 1 and 11 proper under 35 USC 112 and request that the rejections be withdrawn.

APPLICANT(S): ELATA, David et al.
SERIAL NO.: 10/562,463
FILED: February 19, 2008
Page 6

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 5-9, 11-12 and 16-20 under 35 U.S.C. § 102(b), as being anticipated by Perlov et al. (US 4,498,850). Applicants respectfully traverse this rejection in view of the remarks that follow.

Perlov et al. disclose a method and device for fluid transfer. The fluid transfer device is manipulated to move fluid from the region of the inlet aperture toward the output aperture where the fluid is expelled. The device comprises a house-like body with a wall having a concavity. Inside the housing there is disposed a magnetically activatable diaphragm capable of forming, in conjunction with the concavity, one or more pocket-like chambers. Deformation of the diaphragm is longitudinal along, a diameter of the diaphragm (see, e.g. Figs. 3A-3D, 7A-7F, 9A-9D, 24a and 27). The purpose is to convey fluid from one end to the other (see e.g. column 6, lines 39-44).

Perlov et al. do not teach or suggest a "device for inducing motion of fluids or solids, the device comprising: a circular structure with a deformable circular sheet compressed to form a continuous structural wave that is symmetric about an axis of circular symmetry of the sheet; and an actuator for actuating the deformable circular sheet and driving the structural wave in a predetermined manner and in a direction about the axis of circular symmetry", as claimed in amended independent claim 1. Nor do Perlov et al. teach or suggest a method comprising "providing a structure with a deformable circular sheet formed to present a continuous structural wave that is symmetric about an axis of circular symmetry of the sheet; and using an actuator to displace the structural wave about the axis of circular symmetry, thereby imparting displacing forces on an adjacent fluid or solid so as to displace said adjacent fluid or solid about the axis of circular symmetry", as claim in amended independent claim 11.

Therefore, Perlov et al. cannot anticipate claims 1 and 11 as amended.

Accordingly, Applicants respectfully assert that amended independent claims 1 and 11 are allowable. Claims 5-9 depend directly or indirectly from claim 1 and therefore include all the limitations of this claim, and claims 12 and 16-20 depend directly or indirectly from claim 11 and therefore include all the limitations of this claim. Therefore, Applicants respectfully assert that claims 5-9, 12 and 16-20 are likewise allowable.

APPLICANT(S): ELATA, David et al.
SERIAL NO.: 10/562,463
FILED: February 19, 2008
Page 7

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 5-9, 11-12 and 16-20.

35 U.S.C. § 103 Rejections

In the Office action, the Examiner rejected claim 10 under 35 U.S.C. § 103(a), as being unpatentable over Perlov et al. in view of Drevet (US 6,659,740). Applicants respectfully traverse this rejection at least for the reasons that follow.

Perlov et al. was discussed above. This discussion is applicable here too.

Drevet discloses vibrating membrane fluid circulator made up of an admission orifice, a pump body and a delivery orifice.

The combination of Perlov et al. and Drevet does not teach or suggest all the limitations of claim 10, as amended by the amendments to claim 1. Specifically, Drevet fails to disclose "a circular structure with a deformable circular sheet compressed to form a continuous structural wave that is symmetric about an axis of circular symmetry of the sheet", and therefore cannot cure the deficiencies of Perlov et al.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 10.

Conclusion

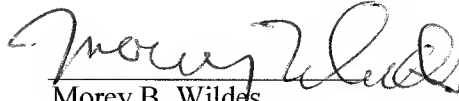
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

APPLICANT(S): ELATA, David et al.
SERIAL NO.: 10/562,463
FILED: February 19, 2008
Page 8

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Morey B. Wildes', written over a horizontal line.

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